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Senator Kerry, Congressman Markey Fight to Protect Patients' Privacy

WASHINGTON - Senator John Kerry (D-Mass.) and Congressman Edward Markey (D-Mass.) have passed measures through the Senate and House that will help patients act quickly to protect their privacy if their medical records are stolen or lost.

The federal government is currently working to create a national electronic medical records database. The measures by Kerry and Markey will require the federal government to create a system to notify people if their medical information has been stolen, lost or compromised in any way. The aim is to ensure victims will be notified as quickly as possible so the information can be recovered and criminals sought.

"The recent wave of massive data thefts has swept up the precious, private information of millions of Americans," Senator Kerry said. "The new national electronic medical records database holds great promise for the quality of health care - but it also has risks for medical privacy that we should address now, not after the fact. We have to guard the privacy of people's personal information that will be stored on this system. Privacy is a fundamental right for all Americans, and we have to protect it."

"A national health information network could provide significant benefits for patients, physicians, hospitals and other health care providers. To realize these benefits, this new network must have strong privacy safeguards. Without such privacy protections, patients will not have confidence that their most personal medical issues will be kept confidential, which is essential for the delivery of quality health care," said Congressman Markey.

The amendment, which is now part of both the House and Senate versions of the Labor-HHS appropriations bill, requires that patients are notified if their medical records in the new health information network currently under development is lost, stolen or used for an unauthorized purpose. Such notification is consistent with several state laws.

"This new health information network will be, in effect, the 'Mother of All Databases'. When it is completed, it will provide unprecedented access to the most private, personal health records of tens of millions of Americans. The nationwide network holds tremendous promise. But it also holds enormous peril for the privacy of Americans'

medical records. We must 'hardwire' this emerging network with privacy protections. I am pleased that both the House and Senate have now passed our amendment, and I will continue to monitor the bill as differences between the House and Senate versions are resolved to ensure that our health IT provision remains a part of the final bill that is signed into law," Markey concluded.

The amendments will ensure strong measures are put in place for patients whose health information is maintained by the Department of Health and Human Services as part of the new national electronic medical records database. It was adopted as part of the Labor-HHS-Education bill.

Every day there are new examples of gaping holes in database securities, holes that make these databases vulnerable to infiltration.

In May 2005, the General Accounting Office reported that: "[T]he federal government is limited in its ability to identify and respond to emerging cyber security threats, including sophisticated and coordinated attacks that target multiple federal entities."

More information about Rep. Markey's fight for consumer privacy rights check out: www.house.gov/markey.

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